IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.169 OF 2005

Gajanan Ramchandra Mahitkar : Petitioner

V/s.

State of Maharashtra & Ors. : Respondents

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Mr.R.K.Mendadkar for the petitioner.

Mr.R.D.Rane, Addl. Govt. Pleader for respondents.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

January 24, 2005.

P.C.:

1. The petitioner has approached the Caste Scrutiny Committee with the prayer that he belongs to Halbi Scheduled Tribe. The Committee in para 14 of its order has given undue weightage to the fact that he does not belong to Halba Scheduled Tribe which was

not really the case before the Scrutiny Committee. It is obvious from the impugned order that extraneous facts which had no relevance to the controversy involved in the case has been taken into consideration. In this view of the matter, we are left with no option but to set aside the impugned order passed by the Scrutiny Committee. The impugned order is, accordingly, set aside.

2. We direct the Scrutiny Committee to decide the question whether the petitioner belongs to Halbi Scheduled Tribe within a period of three months from today. The respondents would be at liberty to file additional documents within six weeks from today. We direct that during the interregnum, the petitioner's services be not terminated. No further direction are necessary.

3. This Petition is, accordingly, disposed of.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.